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U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY AND COMMERCE  
SUB-COMMITTEE ON ENERGY AND POWER  
SUB-COMMITTEE HEARING  
TESTIMONY OF STEPHEN G. WARD  
PUBLIC ADVOCATE, STATE OF MAINE  
MAY 13, 1997

Mr. Chairman, members of the Energy and Power Sub-Committee, thank you for providing this opportunity for a statement. My name is Stephen Ward and I serve as the advocate in Maine government for the interests of utility customers. I have represented the State for many years in negotiations for Maine's entrance into a low-level radioactive waste compact. These negotiations began in 1988 and, since that date have involved three successive Governors in Vermont and Texas and two Governors in Maine. I have represented the interests of the State of Maine at every stage of the process.

The purpose of this testimony is to urge ratification in the U.S. House of the terms of the proposed compact as presented in HR 629. I also am authorized to state that Vermont speaks in favor of prompt approval of the Texas Compact legislation. This result will fulfill the intent of the Maine and Vermont Legislatures which approved the identical compact language in 1993 and 1994. Additionally, it will fulfill the clear preference of the Maine electorate which voted by a 3 to 1 margin on November 2, 1993 to formally endorse the compact arrangement.

There are two primary reasons why I urge action in this session of Congress to ratify the Texas compact. The first is that it will endorse the formal policy choice of the Texas Legislature, as well as the Legislatures of Maine and Vermont, in creating an interstate compact arrangement. The member states of the proposed Texas compact have determined that a workable solution for the safe and predictable disposal of their radioactive waste is only possible if Texas, Maine and Vermont are able to restrict access to any disposal facility built by Texas to waste generators in the three states. As the U.S. Supreme Court affirmed in the 1992 New York v. U.S. decision, (112 S.Ct 2408 (1992)), member states of an interstate compact (of which there are nine currently) can only acquire this right to exclude out-of-region radioactive waste by virtue of compact ratification by the U.S. Congress. In the absence of compact ratification, necessary certainty in planning, financing and operating disposal facilities simply is not present.

In addition, the State of Maine urges Congressional ratification for a second reason. In view of Maine's climate and geology, it is preferable by far for disposal of low-level waste to occur in a dry desert locale such as exists in West Texas. In contrast to 40 inches of rainfall annually in Maine, rainfall amounts in West Texas come to 1/4 of that total, or less, in most years. Depth to groundwater in West Texas is as much as 100 times greater than average 8 foot depths in Maine. Maine's five-year effort to locate a suitable site for a waste facility consumed \$7 million, represented a considerable amount of effort but ultimately did not identify any site with these potential advantages. A key benefit of the Texas compact then is to enable waste generated

in Maine or Vermont to be disposed of in a setting whose geology and climate adds to, rather than subtracting from, longterm environmental security.

It should, however, be emphasized that nothing in the contract agreement specifies a particular site or a particular location in Texas. The words Hudspeth County appear nowhere in the compact document itself and Maine and Vermont are in no way involved in the licensing process. In fact, the compact gives all responsibility for the siting, operation, management and decommissioning of the disposal facility to the State of Texas. We think it is appropriate for Texas to completely control the siting process and the Compact language reflects that assumption.

Thank you for the opportunity of providing these comments on behalf of Maine and Vermont. I am available in the event a Committee member has questions, and urge prompt and favorable Congressional action to ratify the Texas compact.